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August 22, 2022

VIA ECF

Honorable James R. Cho
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Simon, et al. v. The City of New York, et al.*, 21 CV 6868 (WFK) (JRC)

Your Honor:

I am the attorney in the Office of the Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, assigned to represent Defendants City of New York, Michael Jimenez, Alexander Grandstaff, and Matthew Lamendola (collectively “City defendants”). For the reasons discussed herein, City defendants respectfully request that the Court stay City defendants time to answer or otherwise respond to the Amended Complaint pending a decision on the consent motion to stay presently pending before the Court, *see* Civil Docket Sheet Entry No. 22, and *sua sponte* stay the time for newly added defendants Herbert Martin, Katherine Siljkovic, Omar Veliz, Mark Brooks, and Steven Vanmanen to answer or otherwise respond to the Amended Complaint. This is the first request that the Court stay City defendants and defendants Martin, Siljkovic, Veliz, Brooks, and Vanmanen’s response to the Amended Complaint.¹

By way of background, on August 16, 2022, plaintiffs filed a motion directed to the Honorable William F. Kuntz, II., requesting that “the court schedule a pre-motion conference in connection with plaintiffs’ anticipated motion to amend...[or in the alternative], that the Court consider this letter-motion as a formal motion and grant their unopposed motion to amend the complaint.” Both City and State defendants took no position regarding plaintiffs’ motion to

¹ Alternatively, should the Court not be inclined to grant City defendants stay request or *sua sponte* request for defendants Martin, Siljkovic, Veliz, Brooks, and Vanmanen, with plaintiffs’ counsel’s consent, the undersigned requests that the Court enlarge the time for all defendants to answer until September 21, 2022.

amend the Complaint and the Honorable William F. Kuntz, II., subsequently granted plaintiffs' request. *See* Court Order dated August 17, 2022. Plaintiffs then filed their Amended Complaint on or about August 17, 2022. *See* Civil Docket Sheet Entry No. 26. At this time, however, an application on consent to stay the instant action due to an ongoing criminal homicide investigation remains pending before Your Honor with a conference presently scheduled for September 6, 2022 at 11:30 a.m.

For the reasons set forth above, City defendants respectfully request the Court stay City defendants' and *sua sponte* stay defendants Martin, Siljkovic, Veliz, Brooks, and Vanmanen's response to the Amended Complaint until a determination can be made on the consent motion to stay or in the alternative, enlarge their time to respond until September 21, 2022, with plaintiffs' consent. City defendants thank the Court for its time and attention to this matter.

Respectfully submitted,

/s/ Elida M. Alfaro

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cc: **BY ECF**
All counsel of record